



30 APR 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of :
BORN et al. :
Application No.: 10/534,369 : DECISION
PCT No.: PCT/EP2003/010458 :
Int. Filing Date: 19 September 2003 :
Priority Date: 07 November 2002 :
Attorney's Docket No.: 10537/290 :
For: MOTOR VEHICLE STEERING COLUMN :

This decision is in response to applicants' "PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 27 March 2007, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 19 September 2003, applicants filed international application PCT/EP2003/010458, which designated the United States and claimed a priority date of 07 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2005 (07 May 2005 being a Saturday).

On 09 May 2005, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of inventors.

On 04 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h). The NOTIFICATION set a two-month extendable period for reply.

On 24 October 2005, applicants filed a declaration of inventors and the surcharge under 37 CFR 1.492(h).

On 23 February 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 04 October 2005.

On 27 March 2007, applicants filed the instant "PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT" which was accompanied by, *inter alia*, a copy of the submission filed 24 October 2005 and a copy of a Customer Copy of Express Mail mailing label number EV320244963US.

DISCUSSION

The submission originally filed 24 October 2005 is now in the application file. Accordingly, the petition under 37 CFR 1.181 filed 27 March 2007 is moot. The NOTIFICATION OF ABANDONMENT mailed 23 February 2007 is hereby VACATED.

However, the declaration filed 24 October 2005 is not sufficient because it contains non-initialed alteration (page 4 of the declaration). 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** as **MOOT** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 23 February 2007 is **VACATED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper oath or declaration. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'D. Stemmer', with a stylized flourish at the end.

Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459